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Etta Bacharach Testamentary A & B Trusts

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In Re  
PG&E CORPORATION  
- and -  
PACIFIC GAS AND ELECTRIC  
COMPANY, a California corporation,  
Debtors.

Case No. 19-30088 (DM)  
Chapter 11

**DECLARATION OF MARK BORSUK IN  
OPPOSITION TO REORGANIZED  
DEBTOR'S FORTY-FOURTH OMNIBUS  
OBJECTION**

**[RE CLAIM NO. 56201]**

Date: December 15, 2020  
Time: 10:00 a.m.  
Place: U.S. Bankruptcy Court  
San Francisco, California  
Judge: Hon. Dennis Montali

1 I, Mark Borsuk, hereby declare as follows:

2 1. At all times relevant to this declaration, I was the Property Manager for the  
3 commercial building located at 4881 Telegraph Ave. in Oakland, CA ("Property"), which is  
4 owned by The Etta Bacharach Testamentary A & B Trusts (the "Claimant"), of which I am also a  
5 successor trustee. I submit this declaration in support of Claimant's Opposition to Reorganized  
6 Debtor's Forty-Fourth Omnibus Objection and in support of Proof of Claim No. 56201 filed in the  
7 amount of \$66,428.29 (the "Claim"). I have personal knowledge of the matters set forth below  
8 and, if called to testify, would testify competently thereto.

9 2. Beginning in 2017, Claimant's tenant, the Children's Hospital Pediatric Dental  
10 Clinic and I as property manager and successor trustee consulted with PG&E regarding a project  
11 that would expand the power supply to the Property ("Project").

12 3. On April 11, 2017, PG&E's Engineering and Planning Department provided  
13 engineering plans that supposedly mapped out the location of existing underground power lines  
14 and also mapped the location where the electrical vault was located and where the trenches should  
15 be dug in furtherance of the Project (the "Plan"). A true and correct copy of the Plan is attached  
16 hereto as **Exhibit A**.

17 4. Claimant's contractor for the Project was Gill's Electric, Inc. ("Contractor").  
18 Beginning on January 19, 2018, the Contractor began digging the 5'x10' hole in the exact  
19 location specified in PG&E's Plans, as well as digging a trench along one of the busiest streets in  
20 Oakland, Shattuck Avenue. Several feet into excavation, the Contractor's employees encountered  
21 three large electrical conduits. Luckily, the employees noticed the conduits just in time, and  
22 immediately ceased all work on the Project before someone was electrocuted. A picture of the  
23 previously unmarked electrical conduits is attached hereto as **Exhibit B**.

24 5. Thereafter I had multiple telephone calls and email communications with PG&E  
25 about rectifying this problem. We were under a deadline to provide electricity to the tenant that  
26 was about to move its business into our Property, and the tenant needed electricity to operate.  
27 Notably, on April 26, 2018, I contacted Thomas Guarino of the PG&E East Bay Public Affairs  
28 Team (e-mail: [TGG3@pge.com](mailto:TGG3@pge.com)) ("Guarino"). I informed Guarino about the undisclosed

1 underground lines, and Guarino acknowledged that PG&E provided faulty information.

2 6. Guarino e-mailed his PG&E colleague, Terry Walker-Mullings, to request that  
3 PG&E expedite the processing of revised plans to assist us in completing the project to minimize  
4 further delays.

5 7. There never was any dispute that PG&E was at fault in any of my  
6 communications. When Guarino reached out to his colleague for assistance, his e-mail admitted  
7 that it was PG&E's fault:

8 "Terry: given PG&E's role in providing wrong information initially is there any way we  
9 can help Mark out and move this up the queue?" A true and correct copy of the April 26,  
10 2020 e-mail that I received in the normal course of business is attached hereto as Exhibit

11 C.

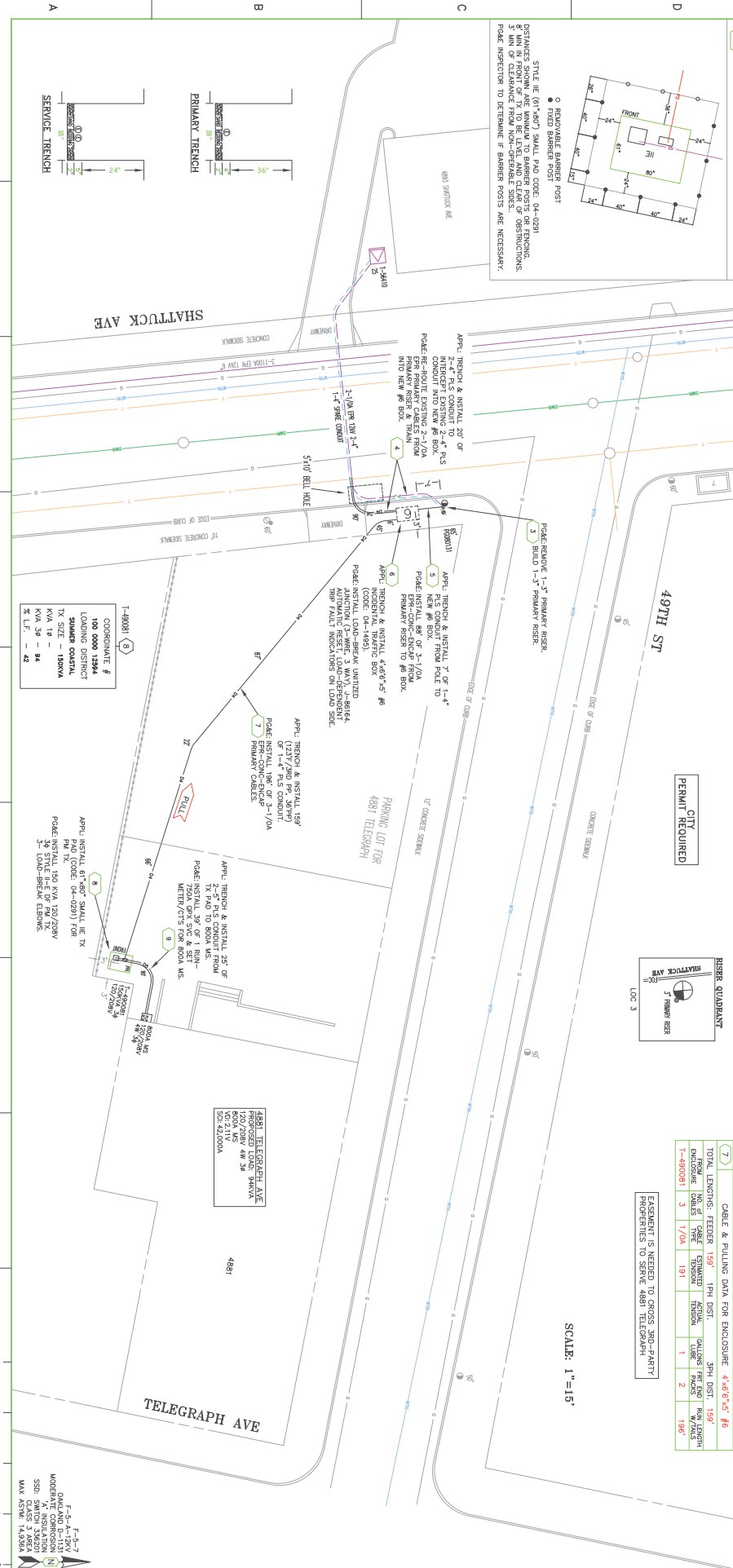
12 8. In recognition of their error, PG&E provided revised plans that accurately mapped  
13 the underground lines and Claimant was ultimately able to proceed with the Project. However,  
14 PG&E's error caused a substantial delay to the Project, and increased the expenses. Claimant had  
15 to accrue costs for remediation work and to effectively re-do the excavation work for the Project.

16 9. True and correct copies of the invoices which detail the damages are attached to  
17 the Claim filed on October 10, 2019. The Claim amount is \$66,428.29 and documentation was  
18 submitted with a breakdown of the damages calculation (Exhibit B to the Claim) as well as  
19 individual invoices/statements to substantiate the amounts incurred by Claimant (Exhibits B-D).

20 I declare under penalty of perjury under the laws of the State of California that the  
21 foregoing is true and correct. Executed in San Francisco on November 25, 2020.

22  
23  
24 /s/ Mark Borsuk  
25 Mark Borsuk  
26  
27  
28

## **EXHIBIT A**



## **EXHIBIT B**





## **EXHIBIT C**



**From:** Guarino, Thomas <[TGG3@pge.com](mailto:TGG3@pge.com)>

**Sent:** Thursday, April 26, 2018 2:00 PM

**To:** Mark Borsuk <[mark@borsuk.com](mailto:mark@borsuk.com)>; Walker-Mullings, Terry <[TMM8@pge.com](mailto:TMM8@pge.com)>

**Cc:** Tyurin, Vitaly <[VxT4@pge.com](mailto:VxT4@pge.com)>

**Subject:** FW: 4881 Telegraph Ave., Oakland: Children's Hospital Pediatric Dental Clinic 800A upgrade delay

Mark: thanks for the update.

Terry: given PG&E's role in providing wrong information initially – is there any way we can help Mark out and move this up in the queue? Appreciate anything you can do.

Thanks,

Tom Guarino  
PG&E East Bay Public Affairs Team  
Cell: 510.847.6154

**From:** Mark Borsuk [<mailto:mark@borsuk.com>]

**Sent:** Thursday, April 26, 2018 10:31 AM

**To:** Guarino, Thomas

**Subject:** 4881 Telegraph Ave., Oakland: Children's Hospital Pediatric Dental Clinic 800A upgrade delay

\*\*\*\*\***CAUTION:** This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.\*\*\*\*\*

April 26, 2018

**SUBJECT: Children's Hospital Pediatric Dental Clinic**  
4881 Telegraph Ave., Oakland 94609

Tom:

1. We have a hook-up scheduling problem for upgrading the power for our tenant: **Children's Hospital Pediatric Dental Clinic**.
2. When PG&E provided the 800A engineering plans to our electrician, Gills Electric, the new vault's location was misidentified. See attached plan.
3. On January 29, when digging the sidewalk vault, we discovered 12,000-volt lines. See attached photo.